

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 00-6273 or Huck

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United States District Court
Southern District of Florida
CASE NO. 00-6273-CR-HUCK

United States of America
Plaintiff

v.

Ariel A. Hernandez
Defendant,

Motion to File A 28 U.S.C. 2255 motion
out of time.

Comes now Ariel A. Hernandez Defendant
in pro se, and without the benefit of an
attorney, and without knowledge of law, asks
this court to grant this motion to file a
28. U.S.C. 2255 out of time (deadline being
January 10, 2006) Defendant avers the following

1. On November 29, 2005 Defendant received
a order granting his motion to have
Appellant counsel Richard Rosenbaum turn
over AHL C.D's, papers, and relevant papers

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2. The Court also stated Appellant Counsel informed The Court that he has turned over the Requested documents, Counsel is not being truthful to The Court. Although he did provide Broken pieces of the Trial Transcripts. He has yet never provided the specific requested documents to help this Defendant file his 28 U.S.C. 2255 motion. I have yet not even received a complete trial transcripts.


3. Defendant needs The following documents to file his 28. U.S.C. 2255 motion. Items needed are.

1. Opening Arguments
2. Closing Arguments
3. Sentencing Transcripts from April 2002 AND July / September 2002

4. Property Receipts of items seized at Search warrants by F.B.I. AND B.S.O At.

1. Mike Falcos House
2. Freddy Massaro's House
3. Oasis Truck Stop
4. Liberty Storage
5. Massaro's Storage Company.

4. These papers are needed to raise certain issues, AND (Failure to raise them on a 28 U.S.C. 2255 motion will be later barred from being used at later motions) Therefore Defendant must get these documents from Appellant Counsel MR. Rosenbaum.
5. Defendant upon receiving these documents he will ~~(he)~~ need time to inspect and review these documents AND since he has not yet received the requested documents, he cannot meet his JANUARY 10, 2006 DEADLINE to file his 28 U.S.C. 2255 motion. Since this Court is the trial court it can grant leave to file 28 U.S.C. 2255 motion out of time.
6. Defendant asks this Court to grant a 2 month extension. After Appellant Counsel turns over the specifically requested documents mentioned in this motion, so that he may have a chance to raise certain issues in his 28 U.S.C. 2255 motion. The Court is within its power to grant this motion in the interest of Justice.

by 
Ariel A. Hernandez.

Certificate of Service.

A copy of the foregoing was sent via
U.S. Mail on November 30, 2005 to

Richard Rosenbaum
Attorney at Law

Lisa Hirsch
Assistant U.S. Attorney
Southern District of Florida.

by Ariel A. Hernandez
04-61011
T.G.K.
7000 N.W. 41st
Miami, Fla. 33166.